

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

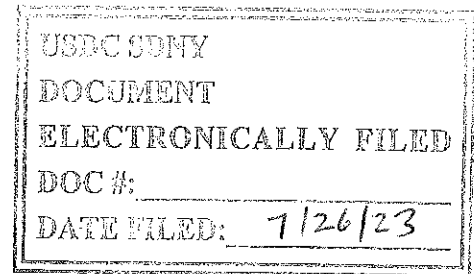
-v.-

HARALD JOACHIM VON DER GOLTZ,
a/k/a "H.J. von der Goltz,"
a/k/a "Johan von der Goltz,"
a/k/a "Jochen von der Goltz,"
a/k/a "Tica,"
a/k/a "Tika,"

Defendant.

FINAL ORDER OF FORFEITURE

S6 18 Cr. 693 (RMB)



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WHEREAS, on or about June 2, 2020, this Court entered a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment (the "Preliminary Order of Forfeiture") (D.E. 218), which ordered the forfeiture to the United States of all right, title and interest of HARALD JOACHIM VON DER GOLTZ, a/k/a "H.J. von der Goltz," a/k/a "Johan von der Goltz," a/k/a "Jochen von der Goltz," a/k/a "Tica," a/k/a "Tika," (the "Defendant") in the following property:

- a. Any and all funds formerly on deposit in First Republic Bank accounts held in the name of EMJO Investments Limited, any and all assets held in investment accounts by Brooke Private Equity Associates, and any funds currently or previously administered by or associated with Brooke Private Equity Associates in the name of EMJO Investments Limited;
- b. Any and all interest held by Revack Holdings Foundation and any entity in which Revack Holdings Foundation has an ownership interest, including Erika Investment Management Limited, EMJO Investments Limited, Worldwide Investment Services and Holdings, Union Properties Inc., Brecknock Inc., and Goldbean Inc., in Boston Capital Ventures III LP, Boston Capital Ventures IV LP, Peninsula Investments Group II LP, BPEA Cayman Fund 2, and CoreCol LP, including any claim for future distributions; and

- c. The residence or apartment, located at Prinzregentenstrass 153, Wohnung 7. Stock, Nr. 173 81677, München, Germany (the “Germany Property”);

(a. through c., collectively, the “Specific Property”);

WHEREAS, the Preliminary Order of Forfeiture directed the United States to publish, for at least thirty (30) consecutive days, notice of the Preliminary Order of Forfeiture, notice of the United States' intent to dispose of the Specific Property, and the requirement that any person asserting a legal interest in the Specific Property must file a petition with the Court in accordance with the requirements of Title 21, United States Code, Sections 853(n)(2) and (3). Pursuant to Section 853(n), the United States could, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Specific Property and as a substitute for published notice as to those persons so notified;

WHEREAS, the provisions of Title 21, United State Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, require publication of a notice of forfeiture and of the Government's intent to dispose of the Specific Property before the United States can have clear title to the Specific Property;

WHEREAS, the Notice of Forfeiture and the intent of the United States to dispose of the Specific Property was posted on an official government internet site (www.forfeiture.gov) beginning on February 5, 2021, for thirty (30) consecutive days, through March 6, 2021, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions and proof of such publication was filed with the Clerk of the Court on July 24, 2023 (D.E. 335);

WHEREAS, on or about April 22, 2021, notice of the Preliminary Order of Forfeiture was sent by certified mail, return receipt requested, to: J.A. von der Goltz, Aguila Ltd., Annemarie von der Goltz, Antoine Darde, Belle von der Goltz, Carl Andreas von der Goltz, Donald Steiner Irrevocable GST Trust, Eduardo Blohm, Erika Nottebohm von der Goltz, Fairchild Holdings, George Baker, GS Venture Management Inc., Haribo Trust, Horace H Irvine II Trust 2016, Ingrid Meyer, Joanna Banker, John J. Shields III, Judith Shields, Marair Corporations, Marubein America Corporation, Mauricio Morales, Michael Freedman, Namtor BVC, LP., Roberta Cohn, St. Paul's School, The Aegis Trust, Unicredit Capital Markets, Wuestenrot Versicherungs-AG, Wilfrid von Plotho, UniVersa Beteiligungs AG, Unicredit Bank AG, Strawberry Investment SA, Sherbrooke Investments LTD, Regine Mellinghoff, Philippe Foriel Destezet, Insa Thiele, Hans Herman Muenchmeyer, Hans Georg Barth, Gold Star Ltd., GBR International, Fondation Erol, Dorit Bulach, Detlef Bierbaum, Deltee Panamerica Trust Co Ltd, David Garza, Cranberry Investments SARL, Corporacion Sultana, Christoph Schleswig Holsetin, Christian Barth, Banco de Sabadell, SA., Arend Oetker, and Alex Wilmerding (collectively, the "Noticed Parties");

WHEREAS, on or about March 2021, Boston Ventures IV and Boston Capital Ventures V turned over \$1,182,900.31 in United States currency to the Government representing the entire amount of funds then held by the investment funds (the "Ventures Funds");

WHEREAS, on or about May 5, 2021, Namtor BVC LP ("Namtor") filed a petition asserting an interest in Boston Ventures IV (D.E. 301);

WHEREAS, on or about May 5, 2021, UniCredit Bank AG ("UniCredit") filed a petition asserting an interest in Boston Ventures IV (D.E. 304);

WHEREAS, on or about May 24, 2021, Fairchild Holdings Corporation (“Fairchild”) filed a petition asserting an interest in Boston Ventures IV (D.E. 306);

WHEREAS, on or about May 27, 2021, Fondation Erol (the “Fondation”) filed a petition asserting an interest in Boston Ventures IV (D.E. 308);

WHEREAS, in or about May 2021, uniVersa Beteiligungs-AG (“UniVersa”) advised the Government of its interest in Boston Ventures IV;

WHEREAS, in or about May of 2021, GS Venture Management (“GS Venture”) advised the Government of its interest in Boston Ventures IV;

WHEREAS, in or about May 2021, Wuestenrot Versicherungs-AG (“Wuestenrot”) advised the Government of its interest in Boston Ventures;

WHEREAS, in or about May 2021, Dorit Bulach (“Bulach”) advised the Government of its interest in Boston Ventures IV;

WHEREAS, in or about May 2021, John J. Shields III (“John Shields”) advised the Government of its interest in Boston Ventures IV;

WHEREAS, in or about May 2021, Judith A. Shields (“Judith Shields”) advised the Government of its interest in Boston Ventures IV;

WHEREAS, in or about May 2021, Dr. Hans-Georg Barth advised the Government of its interest in Boston Ventures IV;

WHEREAS, in or about May 2021, Dr. Christian Barth advised the Government of its interest in Boston Ventures IV;

WHEREAS, on or about November 4, 2021, the Court entered a Stipulation and Order resolving Namtor’s interest in Boston Ventures IV wherein the Government agreed to return \$9,155.42 in United States currency from the Ventures Funds (D.E.314);

WHEREAS, on or about September 14, 2021, the Court entered a Stipulation and Order resolving UniVersa's interest in Boston Ventures IV wherein the Government agreed to return \$26,404.32 in United States currency from the Ventures Funds (D.E. 312);

WHEREAS, on or about September 14, 2021, the Court entered a Stipulation and Order resolving UniCredit's interest in Boston Ventures IV wherein the Government agreed to return \$70,993.34 in United States currency from the Ventures Funds (D.E. 312);

WHEREAS, on or about September 14, 2021, the Court entered a Stipulation and Order resolving Fairchild's interest in Boston Ventures IV wherein the Government agreed to return \$3,662.17 in United States currency from the Ventures Funds (D.E. 312);

WHEREAS, on or about November 4, 2021, the Court entered a Stipulation and Order resolving GS Venture's interest in Boston Ventures IV wherein the Government agreed to return \$106,205.43 in United States currency from the Ventures Funds (D.E. 314);

WHEREAS, on or about November 4, 2021, the Court entered a Stipulation and Order resolving Wuestenrot's interest in Boston Ventures IV wherein the Government agreed to return \$17,616.22 in United States currency from the Ventures Funds (D.E. 314);

WHEREAS, on or about November 4, 2021, the Court entered a Stipulation and Order resolving Bulach's interest in Boston Ventures IV wherein the Government agreed to return \$1,464.87 in United States currency from the Ventures Funds (D.E. 314);

WHEREAS, on or about November 4, 2021, the Court entered a Stipulation and Order resolving John Shields' interest in Boston Ventures IV wherein the Government agreed to return \$4,207.01 in United States currency from the Ventures Funds (D.E. 314);

WHEREAS, on or about November 4, 2021, the Court entered a Stipulation and Order resolving Judith Shields' interest in Boston Ventures IV wherein the Government agreed to return \$1,449.78 in United States currency from the Ventures Funds (D.E. 314);

WHEREAS, on or about November 4, 2021, the Court entered a Stipulation and Order resolving Dr. Hans-Georg Barth's interest in Boston Ventures IV wherein the Government agreed to return \$1,464.87 in United States currency from the Ventures Funds (D.E. 314);

WHEREAS, on or about November 4, 2021, the Court entered a Stipulation and Order resolving Dr. Christian Barth's interest in Boston Ventures IV wherein the Government agreed to return \$1,281.76 in United States currency from the Ventures Funds (D.E. 314);

WHEREAS, on or about June 6, 2023, the Court entered a Stipulation and Order resolving Fondation's interest in Boston Ventures IV wherein the Government agreed to return \$2,589.14 in United States currency from the Ventures Funds (D.E. 334);

WHEREAS, the total of in United States currency is the remaining balance of the Ventures Funds following the return of funds identified above is \$2,326,246.68 (the "Remaining Venture Funds");

WHEREAS, in or about December 2018 and continuing through October 2019, the Government seized \$2,572,741.01, from the First National Accounts (the "First National Funds");

WHEREAS, on or about May 25, 2020, the Government received \$295,000 in United States currency representing the net proceeds from the sale of the Germany Property (together with the First National Funds and Remaining Venture Funds, the "Forfeitable Property");

WHEREAS, the Defendant and the Noticed Parties are the only persons and/or entities known by the Government to have a potential interest the Specific Property; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(n)(7), the United States shall have clear title to any forfeited property if no petitions for a hearing to contest the forfeiture have been filed within thirty (30) days of final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2);

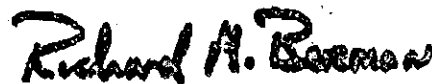
NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title and interest in the Specific Property is hereby forfeited and vested in the United States of America, and shall be disposed of according to law.
2. Pursuant to Title 21, United States Code, Section 853(n)(7) the United States of America shall and is hereby deemed to have clear title to the Specific Property.
3. The United States Department of Treasury (or its designee) shall take possession of the Specific Property and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

Dated: New York, New York

July 26, 2023

SO ORDERED:



HONORABLE RICHARD M. BERMAN
UNITED STATES DISTRICT JUDGE